

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. CV16-290 WJ-LAM
CR 10-2138 WJ

TOMMY PENA,

Defendant/Movant.

ORDER

THIS MATTER is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant/Movant's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence* (CV Doc.1 ; CR Doc.152). The Court will order the United States to answer Defendant/Movant's motion.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant/Movant's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence* (CV Doc. 1; CR Doc. 152) and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that the United States shall answer Defendant/Movant's § 2255 Motion [CV Doc. 1; CR Doc. 152] **within twenty-three days of entry of this Order.**

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE